

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

12 CIV 4607

JUDGE GARDEPHE

Ski Bowl Realty Member LLC

*Plaintiff*

v.

David C. Crikelair and Thomas P. Dougherty, Jr.

*Defendant*

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Thomas P. Dougherty, Jr.  
11441 Whippoorwill Road  
Houston, Texas 77024

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Joseph P. Moodhe  
Debevoise & Plimpton LLP  
919 Third Avenue  
New York, NY 10022

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

RUBY J. KRAJICK

CLERK OF COURT

JUN 13 2012

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* Thomas P. Dougherty, Jr.  
 was received by me on *(date)* 06/13/2012 .

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I returned the summons unexecuted because \_\_\_\_\_ ; or

☒ Other *(specify)*: On 7/11/12, I served the Summons, Complaint, Civil Cover Sheet, Rule 7.1 Disclosure Statement, ECF Rules, and Judge Gardephe's Individual Rules on Thomas P. Dougherty, Jr. via federal express to his counsel, Jeffrey J. Sherrin, 54 State Street, Albany, NY 12207, pursuant to his counsel's agreement to accept service in this manner.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: 07/13/2012

/s/ Joshua Weigensberg

*Server's signature*

Joshua Weigensberg, Esq.

*Printed name and title*

Debevoise & Plimpton LLP  
919 Third Avenue, New York, NY 10022

*Server's address*

Additional information regarding attempted service, etc:

On 6/25/12, I attempted to effect personal service of the Summons, Complaint, Civil Cover Sheet, Rule 7.1 Disclosure Statement, ECF Rules, and Judge Gardephe's Individual Rules on Defendant Thomas P. Dougherty, Jr. at his address at 11441 Whippoorwill Road, Houston, TX 77024 through a process server doing business in the State of Texas. I was informed that the process server did not find anyone present at that address on that date.